

Below is an Order of the Court.

  
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PETER C. MCKITTRICK  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF OREGON

In re:

PETER SZANTO,

Debtor.

Case No. 16-33185-pcm11

Adv. Proc. No. 16-03114-PCM

ORDER REGARDING PLAINTIFF'S  
SECOND MOTION TO COMPEL

PETER SZANTO,

Plaintiffs,

v.

EVYE SZANTO, VICTOR SZANTO,  
NICOLE SZANTO, KIMBERLEY SZANTO,  
MARIETTE SZANTO, ANTHONY  
SZANTO, AUSTIN BELL, JOHN BARLOW,  
and BARBARA SZANTO ALEXANDER,

Defendants.

THIS MATTER came before the Court on Plaintiff's Second Motion for Order Compelling Further Discovery, Ordering an Award of Sanctions and Citation for Contempt [Docket #138] (hereinafter referred to as "Plaintiff's Second Motion to Compel"), and on Plaintiff's Notice of Motion and Motion for Protection [Docket #140] (hereinafter referred to as "Plaintiff's Motion for Protection"). Plaintiff Peter Szanto ("Plaintiff") appeared *in pro per*, and Defendants Evye Szanto, Victor Szanto, Nicole Szanto, Kimberley Szanto, Mariette Szanto, Anthony Szanto, Austin Bell, John Barlow and Barbara Szanto Alexander ("Defendants") appeared by and through their attorney Nicholas J. Henderson of Motschenbacher & Blattner LLP.

The Court having reviewed the pleadings, having heard the arguments of the parties, and being otherwise duly advised in the premises as follows; now, therefore,

IT IS HEREBY ORDERED as follows:

1. Plaintiff's Second Motion to Compel is GRANTED IN PART and DENIED IN PART as outlined below;

- a. Plaintiff's objection to Defendants Mariette Szanto and Anthony Szanto's joint Responses to Plaintiff's First Set of Interrogatories is overruled.
- b. Plaintiff's objection to Defendants' "General" objections to Plaintiff's discovery requests is granted. Defendants' "General" objections to Plaintiff's discovery requests are overruled.
- c. Plaintiff's objection to Defendants' Response to Interrogatory #1 is overruled.
- d. Plaintiff's objection to Defendants' Response to Interrogatory #3 is overruled.

- e. Plaintiff's objection to Defendants' Response to Interrogatory #5 is sustained in part. Interrogatory #5 shall be reformed to read as follows:

"INTERROGATORY NO. 5: Produce a list of any tangible items worth more than \$100 received by you, personally, from the estate and/or any trust or testamentary instrument of Paul and Klara Szanto."

Defendants shall respond to the above-described reformed Interrogatory #5 on or before August 4, 2017.

- f. Plaintiff's objection to Defendants' production of documents via mail is overruled.
- g. Plaintiff's objection that Defendants have produced non-responsive documents and have failed to produce documents he believes Defendants possess is overruled. Each Defendant shall provide a declaration that they have turned over all documents they believe are responsive to Plaintiff's Requests for Production that are in their control, possession or custody, in any fashion.
- h. Plaintiff's Motion for Sanctions, and Application for Attorney Fees regarding his filing of the Second Motion to Compel is denied.
- i. Defendants' Application for Attorney Fees regarding their response to the Second Motion to Compel is denied.
- j. The discovery deadline established in the case shall remain unchanged, with the exception that the following shall be due on or before August 4, 2017:
- i. Defendants' written response to reformed Interrogatory #5; and

ii. Defendants' declarations regarding documents responsive to Plaintiff's First Request for Production of Documents, as discussed on the record.

k. The Plaintiff's Motion for Protection shall be resolved by separate order.

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I certify that I have complied with the requirements of LBR 9021-1(a)(2)(A).

Order Presented by:  
MOTSCHENBACHER & BLATTNER, LLP  
/s/ Troy G. Sexton  
Troy G. Sexton, OSB #115184  
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Attorney for Defendants

#### **PARTIES TO SERVE**

ECF-registered parties, and the following party requiring notice by US Mail:

Peter Szanto  
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